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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 DOLORES LOVIN (5); MARY
15 ARONSON (6); PHILIP JAMES BIDWELL
16 (12); RICHARD EDWARD KOCH (11);
JEFFREY A. LIGHT (14); TRACY O'NEAL
TYLER (15); PETER P. BRAGANSA (16),

Defendants.

CASE NO. 07cr2016-IEG

Order Denying Motion for
Reconsideration [Doc. No. 901]

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18 Defendant Philip James Bidwell has filed a motion for reconsideration of the Court's
19 January 19, 2010 order declining to include the following question on the proposed jury
20 questionnaire:

21 In a criminal case, a defendant is presumed innocent unless and until the
22 prosecution proves guilt beyond a reasonable doubt. Regardless, do you think that
23 when someone is accused of a serious crime, he or she should be required to
provide his or her innocence?

24 Defendant argues the question is of utmost importance to help insure a fair trial.

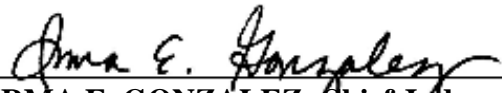
25 The Court remains convinced this is an area of inquiry more appropriately reserved for
26 attorney-conduct voir dire. The proposed question is purely philosophical, asking prospective
27 jurors whether they believe the law is correct rather than whether they are willing to apply the law.
28 Although this is an appropriate area of inquiry, both the Court and counsel should have the

1 opportunity to hear and observe prospective jurors' responses. Asking the question during
2 attorney-conducted voir dire, rather than in a written questionnaire, not only allows counsel and
3 the Court to fully explain the constitutional importance of the presumption of innocence, but also
4 allows counsel and the Court to follow-up on any responses to determine whether the prospective
5 juror could be fair and impartial.

6 The Court DENIES defendant Bidwell's motion for reconsideration.

7 **IT IS SO ORDERED.**

8 **DATED: January 22, 2010**

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10 **IRMA E. GONZALEZ, Chief Judge**
11 **United States District Court**
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